

TEXAS DEPARTMENT OF PUBLIC SAFETY



HOUSE BILL 183 COMMITTEE REPORT

TEXAS DEPARTMENT OF PUBLIC SAFETY

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COMMISSION
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CHAIRMAN

September 1, 2006

The Honorable David Dewhurst
Lieutenant Governor of Texas
PO Box 12068
Austin, TX 78711-2068

The Honorable Tom Craddick
Speaker of the House of Representatives
PO Box 2910
Austin, TX 78768-2910

Dear Lt. Governor Dewhurst and Speaker Craddick,

The Texas Department of Public Safety's Committee on Child Passenger Safety is pleased to present to your offices its final report.

A directive mandated by the 79th Regular Session of the Texas Legislature, House Bill 183, required this agency to conduct a study regarding the legislative options to improve child passenger safety in the state. A committee was appointed to fulfill the request, research the issues, gather information, summarize the findings and report the results.

Committee members were appointed to represent various geographical regions of the state, gender, ethnic diversity, commissioned and non-commissioned personnel.

Enclosed please find our final report: summaries and recommendations.

Respectfully submitted,

A handwritten signature in cursive script that reads "Thomas A. Davis Jr.".

Thomas A. Davis Jr.
Director

cc: All Members of the Texas Senate
All Members of the Texas House of Representatives
Texas Legislative Reference Library

**TEXAS DEPARTMENT OF PUBLIC SAFETY STUDY
ON LEGISLATIVE OPTIONS TO
IMPROVE CHILD PASSENGER SAFETY LAWS**
Final Report

September 1, 2006

INTRODUCTION

The Texas Department of Public Safety was mandated by the 79th Regular Session of the Texas Legislature to conduct a study regarding legislative options to improve child passenger safety laws. The agency appointed the following employees to a committee to fulfill this request:

Lieutenant Robert Gilbert, Highway Patrol Service, Houston, Chair
Lieutenant Benjamin Valdez, Highway Patrol Service, Garland
Lieutenant Judy Altom, Highway Patrol Service, Midland
Lieutenant Gary Myles, Highway Patrol Service, Waco
Beth Warren, Coordinator, Occupant Safety Programs, Austin

The members of the committee attended various meetings across the state to discuss the intent of the study, request input from various agencies and advocate groups and to gather data for the report. Input from child restraint and vehicle manufacturers was received via mail and input from other states' law enforcement agencies was requested through the International Association of Chiefs of Police organization.

Meetings were held in Houston, Dallas-Fort Worth, Midland-Odessa and Austin. Representatives from the Texas Department of Transportation, Texas Children's Hospital, Children's Hospital of Austin, Safe Kids Worldwide (Greater Houston, Austin, San Antonio, and Dallas coalitions), the Texas Municipal Police Association and the Texas Child Occupant Protection Safety Advocates were in attendance.

A survey was developed and conducted to obtain information and input from parents and the general public.

The executive summary, committee summaries and final recommendations are the result of these meetings and research.

EXECUTIVE SUMMARY

OVERVIEW: FIVE FOCUS AREAS

The legislature requested information on the following:

1. The public safety benefits to increasing the age, height or weight requirements for the use of child safety seats,
2. The need for a grace period for drivers to learn of a potential change in child passenger safety seat laws,
3. The potential reduction of health care costs to treat seatbelt and other related injuries to children if child passenger safety seat laws are changed,
4. The options to educate parents and educators about the importance of child passenger safety laws, and
5. Child safety seat laws in other states.

Each member of the committee was assigned a focus area to research and write a summary, including recommendations for upgrading the current child passenger safety law.

I. PUBLIC SAFETY BENEFITS TO INCREASING THE AGE, HEIGHT OR WEIGHT REQUIREMENTS FOR THE USE OF CHILD SAFETY SEATS

Correct use of a booster seat can reduce the risk of injury by 60 percent compared to the use of an adult safety belt alone. Every \$30 booster seat generates \$2,000 in cost savings.

II. THE NEED FOR A GRACE PERIOD FOR DRIVERS TO LEARN OF A POTENTIAL CHANGE IN CHILD PASSENGER SAFETY LAWS

Texas Department of Public Safety has a written policy to issue warnings for a period of three months when a new law has been enacted. Through research and interviews it has been determined that not all law enforcement agencies have the same policy. It is recommended that the law be written to require a three-month grace period by all law enforcement agencies to allow appropriate educational opportunities for the general public.

III. THE POTENTIAL REDUCTION OF HEALTH CARE COSTS TO TREAT SEATBELT AND OTHER RELATED INJURIES TO CHILDREN

A child who is less than 4 feet 9 inches tall, using only an adult safety belt, experiences major internal organ injuries when involved in a motor vehicle crash. Texas could reduce the cost of health care by more than \$17 million if these children were required to use the appropriate child safety seat or booster seat.

IV. OPTIONS TO EDUCATE PARENTS AND EDUCATORS ABOUT THE IMPORTANCE OF CHILD PASSENGER SAFETY LAWS

In an informal survey conducted across the state (32 counties participated, 918 responses received), more than half of the respondents stated they did not know the current child passenger safety law. Of the 413 who stated “yes”, only two had correct answers.

When asked how they received their information on new laws, and how they would *like* to receive their information on new laws, the majority of parents and caregivers stated via television followed by print media.

V. CHILD SAFETY SEAT LAWS IN OTHER STATES

The national recommendation is for children to use the appropriate safety or booster seat until they can properly fit in an adult safety belt – this is usually around 4 feet 9 inches tall. The average age when a child reaches this height is eight years old. At the time of this study, there are 34 states with booster seat laws. Texas is one of 16 states that have no law requiring children between four and eight years old to use booster seats.

COMMITTEE SUMMARIES

I. THE PUBLIC SAFETY BENEFITS TO INCREASING THE AGE, HEIGHT OR WEIGHT REQUIREMENTS FOR THE USE OF CHILD SAFETY SEAT SYSTEMS

Members of the public frequently call the Texas Department of Public Safety (DPS), the Texas Department of Transportation (TxDOT) and local law enforcement agencies asking what the Texas law is pertaining to child safety seats. Most parents want to keep their children safe and also follow state law. However, Texas state law sets very minimal safety standards for child passenger safety. "Safe practices" recommended by the National Highway Traffic Administration (NHTSA), Safe Kids Worldwide, American Automobile Association (AAA) and other national and local advocacy groups are more stringent than current Texas law.

The public safety benefits to increasing the requirements for the use of child safety seat systems would reduce injuries from motor vehicle crashes and provide a cost savings to society. The latest report by AAA (February 2006) shows that correct booster seat use can reduce the risk of serious injury by 60 percent to children age four to eight years when compared to the use of an adult safety belt alone. Safe Kids Worldwide reports that the average cost of a \$30 booster seat generates a \$2,000 benefit/cost saving to society from reduced medical expenditures. NHTSA states that children who are moved to an adult safety belt before the belt properly fits them are four times more likely to suffer serious head injury during a collision than children riding in safety seats or booster seats.

II. SHOULD THERE BE A GRACE PERIOD FOR DRIVERS TO LEARN OF A POTENTIAL CHANGE IN THE CHILD PASSENGER SAFETY LAWS

The Texas Department of Public Safety has a written, internal policy that states warnings will be issued for a period of three months after the effective date of new traffic laws.

The four exceptions of this policy are:

- a. Exceptionally flagrant violations,
- b. Continued willful violation after warning,
- c. Laws that have received publicity to the extent that the public is already familiar with their provisions, and
- d. Any violation that is a major contributing factor in a traffic collision.

Texas Department of Transportation recommends a grace period to allow time to inform parents of changes in the law through various forms of media. Also, a grace period would allow the many child passenger safety programs and child safety seat technicians

in Texas to educate parents and caregivers on the new law. Parents want to both follow the law and keep their children safe.

Currently a driver charged with violating the child safety seat law can use as a defense to prosecution evidence presented in court that the defendant possesses an appropriate child passenger safety seat system for each child required to be secured in a child passenger seat.

Thirteen state law enforcement agencies responded to the request for information about grace/warning periods. Four states (VA, FL, SC, and WV) responded stating they do not have either an internal policy that allows warnings or a statute that allows a period of warning prior to the enforcement. Nine states (CO, WA, CT, MD, KY, RI, KS, NJ, NC) responded stating that they have either the discretion of their chiefs to write an internal policy addressing warning periods or they allow each officer to use their own judgment. These states also have either a warning period written into the laws or there is a length of time from when a new law is passed and it takes effect that allows for warnings to be issued.

While DPS has a written policy concerning a new law warning period, other law enforcement agencies in Texas do not.

III. WHAT IS THE POTENTIAL REDUCTION OF HEALTH CARE COSTS TO TREAT SEATBELT AND OTHER RELATED INJURIES TO CHILDREN IF CHILD PASSENGER SAFETY SEAT LAWS ARE CHANGED

In Texas (2000-2002) there were 1,507 children between the ages of 4 and 8 hospitalized, due to motor vehicle crashes...about 754 per year.

There is a potential reduction of health care cost in Texas of about \$17,045,678 annually if the child passenger safety seat laws are changed to include proper positioning of children who are less than 4 feet 9 inches tall and currently use adult safety seat belt systems.

Research data from the American Academy of Pediatrics and Children's Hospital of Philadelphia shows that the median age of eight years old is when most children reach 4 feet 9 inches tall.

Data collected from trauma centers by the medical community, Texas Child Occupant Protection Safety Advocates and the National Highway Traffic Safety Administration (NHTSA) indicates that a child who is shorter than 4 feet 9 inches tall and has been placed in an adult safety belt is more likely to experience serious internal organ damage and other related injuries in a crash. This is due to the improper positioning of the lap and shoulder belt on a child. The injuries include, but are not limited to: ruptured liver, spleen and small intestines, hyperextension of the lumbar spine and torn ligaments, and cervical spine and facial injuries due to striking the interior of the vehicle. This

collection of injuries is known as Seat Belt Syndrome and it is most prevalent in children ages 5 to 8 who are typically shorter than 4 feet 9 inches.

The cost to treat a child with Seat Belt Syndrome is normally about \$22,607 per incident.

IV. OPTIONS TO EDUCATE PARENTS AND EDUCATORS ABOUT THE IMPORTANCE OF CHILD PASSENGER SAFETY LAWS

According to the Texas Department of Public Safety, 48 Texas children between the ages of four and eight years old were killed in traffic crashes in 2001. The statistics show that 29 of the children killed had no type of restraint system - only one child killed was in a child safety restraint system.

Between September 2005 and February 2006 an informal survey was conducted by various child safety advocates across Texas. Parents and caregivers from 32 counties responded – 918 surveys were received.

The survey was composed to request information on the following topics:

- Do parents/caregivers know the current child passenger safety law?
- How do they receive their information on new laws?
- How do they want to receive their information on new laws?

More than half of the respondents stated that they did not know what the state law is on child passenger safety, and out of the 413 who answered “yes”, only two had correct answers.

Overwhelmingly, parents and caregivers stated they receive their information on new laws via television. When the same persons were asked how they preferred to receive information on new laws – the majority of the responses were again television, followed closely by print media.

We can conclude that our most effective means of educating the general population on new laws is to develop media campaigns that use various television and print formats. This would include, but not be limited to:

- Paid advertising
- Public service announcements
- Television interviews and reports
- Newspaper articles
- Public information and education materials
- Notices posted in retail establishments, medical offices, clinics, etc.

Several parents requested that information be repeated through each medium multiple times to ensure that everyone has the opportunity to become aware of changes. Requests were also made for more material to be made available in Spanish.

V. CHILD SAFETY SEAT LAWS IN OTHER STATES

The national recommendation for transporting children in passenger vehicles is to have all children in age, height and weight appropriate child safety seats or booster seats. According to the National Highway Traffic Safety Administration (NHTSA) and the American Academy of Pediatrics (AAP), a child should be at least 4 feet 9 inches tall before he or she can properly fit in a vehicle's safety belt. National statistics show that less than one out of every five kids between the ages of four and eight years rides in a booster seat.

Statements or educational materials were requested from child restraint manufacturers to support their position on child passenger safety in regards to the size/age when a child can properly fit in the adult safety belt. Letters or materials were received from six child restraint manufacturers: Evenflo, Graco, Britax, Compass, Chicco and SafeGuard. They all support the national recommendation that children continue to use the appropriate safety/booster seat system until the child is 4 feet 9 inches tall.

A statement was also requested from vehicle manufacturers on their position on child passenger safety in vehicles and/or proper fit of the safety belt. A letter was received from the Alliance of Automobile Manufacturers whose members are: the BMW Group, DaimlerChrysler, Ford Motor Company, General Motors, Mazda, Mitsubishi Motors, Porsche, Toyota and Volkswagen. Their letter states two things: 1) The individual owners' manuals describe the proper use of correctly wearing safety belts, and 2) Their support of the national recommendation and the Safe Kids Worldwide Buckle Up education campaign that outlines the description of when the safety belt will properly fit the child. This brochure uses the 4 feet 9 inches tall benchmark as the minimum height a child must be for an adult safety belt to properly fit him/her.

In February 2006, U.S. Transportation Secretary Norman Y. Mineta stated at a news conference that the level of effort to date from states to have these children ride in booster seats is "unacceptable." A new federal initiative will provide \$25 million over the next four years to states that pass and enforce tougher booster seat laws.

Texas falls in the group of 16 states that have no law to require these children to use booster seats. These states, Mineta stated, should "do the right thing and pass a law now." Out of the other 34 states and the District of Columbia, at least half of them have a booster law for children between seven and nine years old.

COMMITTEE RECOMMENDATIONS

1. That Texas adopt the current national recommendations concerning the use of child safety seat systems by passing a state law requiring age and size appropriate safety/booster seats for children up to eight years old unless they are 4 feet 9 inches tall.
2. That the statute be written to specify that warnings will be issued by all law enforcement agencies instead of citations during the first three months after a new child occupant safety law goes into effect. This will also allow time for media campaigns to be conducted to educate the public about the new law. Extenuating circumstances, as referenced in the above report, would be the exceptions and require citations to be issued.
3. That funding be allocated to support media campaigns to educate the public about changes to the law. Use of television and print media with English and Spanish translations are a top priority.